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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOYCE VICKERY, an individual,

Plaintiff,

vs.

DEMETRIC DANARD SOLOMON, an
individual; DOES 1-20 and ROE BUSINESS
ENTITIES 1-20, inclusive,

Defendants.

CASE NO.: 2:23-cv-00137-CDS-BNW

STIPULATION AND [PROPOSED]
ORDER TO EXTEND DISCOVERY
DEADLINES

(First Request)

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**STIPULATION AND [PROPOSED] ORDER TO
EXTEND DISCOVERY DEADLINES**

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff JOYCE VICKERY (“Plaintiff”), through her counsel of record, Dennis M. Prince, Angela M. Lee and Andrew R. Brown of PRINCE LAW GROUP and Alex J. De Castroverde and Orlando De Castroverde of DE CASTROVERDE LAW GROUP; and Defendant DEMETRIC DANARD SOLOMON (“Defendant”), through his counsel of record, Darrell D. Dennis and Michael R. Smith of LEWIS BRISBOIS BISGAARD & SMITH, LLP, that the discovery deadlines shall be extended ninety (90) days pursuant to LR 26-3. This is the parties’ first request for an extension of the discovery deadlines. The parties set forth the following information in support of their stipulation.

I.

DISCOVERY COMPLETED TO DATE

A. FRCP 26(a) Disclosures and Supplements

<u>Title</u>	<u>Date Served</u>
Plaintiff’s Initial Disclosure of Documents and Witnesses Pursuant to FRCP 26(a)(1)	March 29, 2023
Defendant’s Initial List of Witnesses and Disclosure of Documents Pursuant to FRCP 26(F)	April 11, 2023
Plaintiff’s First Supplement to her Initial Disclosure of Documents and Witnesses Pursuant to FRCP 26(a)(1)	July 7, 2023

B. Written Discovery

<u>Title</u>	<u>Date Served</u>
Plaintiff’s First Set of Requests for Production of Documents to Defendant Demetric Danard Solomon	June 21, 2023
Plaintiff’s First Set of Interrogatories to Defendant Demetric Danard Solomon	June 21, 2023

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1 **II. DISCOVERY TO BE COMPLETED**

2 1. Depositions of the parties and witnesses.

3 2. The parties will retain and disclose initial expert witnesses and rebuttal
4 expert witnesses.

5 3. The parties will depose their respective expert witnesses.

6 4. The parties will engage in additional written discovery and notice any
7 additional depositions.

8 The parties anticipate that they may need to conduct other forms of discovery not
9 specifically delineated herein on an as-needed basis. Therefore, the list outlined above is
10 in no way intended to be a comprehensive list of the outstanding discovery that remains
11 to be completed.

12 **III.**

13 **REASONS DISCOVERY WAS NOT COMPLETED WITHIN THE TIME LIMITS**
14 **AND NEEDS TO BE EXTENDED**

15 The parties respectfully request an extension of the discovery deadlines in this
16 matter for a myriad of reasons. The parties submitted their Joint Discovery Plan and
17 Scheduling Order at the start of April 2023. The Court rejected this order on April 13,
18 2023. The parties amended and resubmitted their Joint Discovery Plan and Scheduling
19 order in May 2023. On June 13, 2023, the Court again rejected this order. The parties
20 re-amended and resubmitted the Joint Discovery Plan and Scheduling Order (ECF 13)
21 which was accepted and filed on June 21, 2023. However, due to the passage of time
22 between the various resubmissions of this order, various deadlines had already passed
23 or were quickly approaching by the time the order was filed. Most specifically, the last
24 day to disclose expert witnesses pursuant to FRCP 26(a)(2) is July 13, 2023, which only
25 provided the parties three weeks between the signing of the order and the disclosure of
26 experts. It is also important to note that July 21, 2023 was 22 days before the expert
27 disclosure deadline, which supports that there is excusable neglect for not asking for a
28 continuance of the expert disclosure deadlines within 21 days of the deadline pursuant
to LR 26-3.



Although the parties have been diligently and cohesively working to get their expert disclosures made and meet all discovery deadlines, a 90 day extension of these deadlines would provide the parties additional time to ensure that their disclosures are timely. An extension would also provide the parties more time to ensure their disclosures are well pled and meet disclosure requirements. Additionally, an extension of the discovery deadlines help to ensure the parties have time to appropriately and fully litigate this matter during the discovery phase. While the parties are engaged in good faith efforts to coordinate depositions the parties and various witnesses, they have been unable to notice the depositions in advance of the current initial expert disclosure deadline of July 13, 2023 and are having difficulty ensuring these depositions can be set before the close of discovery due to various scheduling conflicts. In addition, while the parties are actively engaged in serving and responding to written discovery requests, there is insufficient time since the start of discovery for the parties to serve responses prior to the initial expert disclosure deadline.

For these reasons, the parties believe there is good cause to extend the discovery deadlines and excusable neglect to do the same. *See* LR 26-3. “[D]istrict courts . . . retain broad discretion to control their dockets . . .” *Shahrokhi v. Harter*, No. 2:21-cv-01126-RFB-NJK, 2021 U.S. Dist. LEXIS 247936, at *4 (D. Nev. Dec. 30, 2021). To prevail on a request to extend discovery deadlines, the parties must establish good cause. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608-09 (9th Cir. 1992). For the reasons set forth above, the parties respectfully submit that good cause and excusable neglect supports their requested stipulation for a ninety (90) day extension of the discovery deadlines. The parties’ requested extension of the discovery deadlines is not made in bad faith or to cause any unnecessary delays in the resolution of this matter, but rather to facilitate cohesive resolution of this case.

IV.

PROPOSED SCHEDULE FOR COMPLETING DISCOVERY

	<u>Current Date</u>	<u>Proposed Date</u>
Amend Pleadings and Add Parties:	June 13, 2023	Closed



1	Initial Expert Disclosures:	July 13, 2023	October 11, 2023
2	Rebuttal Expert Disclosures:	August 14, 2023	November 13, 2023¹
3	Close of Discovery:	September 11, 2023	December 11, 2023²
4	Dispositive Motions:	October 11, 2023	January 9, 2024
5	Joint Pretrial Order:	November 10, 2023	February 8, 2024

6 Based on the foregoing, the parties respectfully request this Court grant their
7 Stipulation and Order to Extend Discovery Deadlines (First Request).

8 DATED this 11th day of July, 2023. DATED this 11th day of July, 2023.

9 **PRINCE LAW GROUP**

**LEWIS BRISBOIS BISGAARD &
SMITH, LLP**

11 /s/ Andrew R. Brown
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Attorneys for Defendants

ORDER

21 IT IS ORDERED that ECF No. 16 is GRANTED.

22 IT IS FURTHER ORDERED that, if dispositive motions are filed, the Joint Pretrial Order
23 shall be due 30 days after a decision is issued on the dispositive motions.

IT IS SO ORDERED

DATED: 11:16 am, July 12, 2023


BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

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28 ¹ The actual date falls on Sunday, November 12, 2023.

² The actual date falls on Sunday, December 10, 2023.

